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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,981	11/11/2003	Hagen Klausmann	OSRMP2002-14-01	2980
26181	7590	08/09/2006	EXAMINER	
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			RHEE, JANE J	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,981

Applicant(s)

KLAUSMANN ET AL.

Examiner

Jane Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 213108

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. Request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/6/2006 has been entered.

Rejections Withdrawn

2. The 35 U.S.C. 132(a) objection to the specification has been withdrawn due to applicant's argument filed on 6/6/2006.
3. The double patenting rejection over copending application 10242004 in view of Brown of claims 1-5,7,10,18,20,23,33 has been withdrawn due to applicant's argument filed on 6/6/2006.

Rejections Repeated

4. The double patenting rejection over U.S. Patent 6887733 in view of Brown has been repeated for the reasons previously made in office action 2/6/2006.
5. The 35 U.S.C. 102/103 rejection of claims 1-31,33 anticipated by or obvious over Brown has been repeated for the reasons previously made in office action 2/6/2006.
6. The 35 U.S.C. 103(a) rejection of claim 32 over Brown in view of applicant's admitted prior art has been repeated for the reasons previously made in office action 2/6/2006.

New Rejection

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 36,39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter is "wherein the upper and lower electrodes are formed as stripes...wherein the getter layer is patterned to form stripes covering the upper electrodes."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 34-39 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Tyan (6693296).

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Brown discloses the device described above. Brown fail to disclose that the device further comprises pillars patterning the upper electrodes. Brown fail to disclose the pillars pattern the getter layer. Brown fail to disclose that the upper and lower electrodes are formed as stripes and the electrodes form a plurality of active components wherein the getter layer is patterned to form stripes covering the upper electrodes.

Tyan teaches in figure 7 pillars number 72 patterning the upper electrodes 63,65,67 and the pillars pattern the getter layer number 43,45,47, wherein the upper and lower electrodes are formed as stripes number 22,63 and the electrodes form a plurality of active components wherein the getter layer number 43 is patterned to form strips covering the upper electrode for the purpose of spacing that the top electrodes and the EL elements so that a series connection of devices is provided which reduces power loss due to series resistance (abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Brown with pillars patterning the upper electrodes and the getter layer wherein the upper and lower electrodes are formed as stripes and the electrodes form a plurality of active components wherein the getter layer is patterned to form stripes covering the upper electrodes in order to space the top electrodes and the EL elements so that a series connection of devices is provided which reduces power loss due to series resistance (abstract) as taught by Tyan.

Response to Arguments

8. Applicant's arguments filed 6/6/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that Brown fails to disclose a getter layer in direct contact with the upper electrode of an active component where the getter layer consists essentially of an alkaline earth metal, Brown teaches a getter layer in direct contact with the upper electrode of an active component (figure 4 number 130) where the getter layer consist essentially of an alkaline earth metal (page 5 paragraph 0071). The getter layer mixed with an adhesive does read on "consist of essentially of", "consist essentially of" can comprise other elements as long as it does not affect the properties of primary element.

In response to applicant's argument that Brown fail to disclose that the protective layer be formed in proximity of the electronic circuitry much less that the protective layer prevents shorting of conducting lines, applicant claims that the protective layer is located in the bonding region and be formed in proximity of the electronic circuitry. Brown teaches that the protective layer is located in the bonding region (page 4 paragraph 0066). As to the protective layer preventing shorting of the conducting lines, is an intended use and a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order

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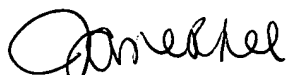
to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jane Rhee
August 2, 2006


PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER